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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT PAPER NUMBER

3626

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/650,834

Applicant(s)
Stephen C. Wren

Examiner
Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-36, 38-45, 47-54, 57-64, and 67-101 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-36, 38-45, 47-54, 57-64, and 67-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 44, 45 6) ☐ Other:

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DETAILED ACTION

1. Claims 30-36, 38-45, 47-54, 57-64, and 67-107 are presented for examination. Applicant filed an amendment on 4/21/2000 canceling claims 10-19 and adding new claims 20-29. Applicant further filed a continued prosecution application including a preliminary amendment on 6/13/2001 canceling claims 20-29 and adding new claims 30-76. Applicant further filed an amendment on 11/9/2001 amending claims 30, 32-35, 41, 42, 44, 47, 48, 52, 53, 57, 59-61, 65, 68, 70, 71, and 74 and adding new claims 77-87. Applicant filed a request for continued examination on 9/3/2002, amending the specification and claim 76 and canceling claims 46, 55, 56, 65, and 66. Applicant further filed a supplemental amendment on 10/10/2002 amending claims 50 and 67 and adding new claims 88 and 89. Applicant further filed another supplemental amendment on 11/19/2002, amending claim 89 and adding claim 90. Applicant further filed an amendment on 8/14/2003, canceling claim 37, and amending claims 30, 32, 44, 59, 82, 84, 87, 88, 89, and 90. Applicant further filed a supplemental amendment on 8/19/2003, amending claim 82 and adding new claims 91-107. After careful consideration of Applicant's amendment's and arguments, the Examiner withdraws the rejection of claims 30-45, 47-54, 57-64, and 67-90 based on 35 USC 103. New grounds of rejection based on 35 USC 103 and double patenting. Therefore the rejection of claims 30-36, 38-45, 47-54, 57-64, and 67-107 is a non final rejection of the claims.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Services: AT&T provides compass" (hereinafter AT&T) in view of Dworkin, Pat. No. 4,992,940.

As to claim 30, AT&T discloses an apparatus to market and sell goods or services over an electronic network (i.e. Directory of Directories)(see abstract) comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services, and each of said first or other computerized communications facilities having a processor (i.e. one stop shopping list of all Internet's service and resources)(see abstract)

a computerized central communications facility having a processor programmed to receive from a customer located at a computerized remote facility a request to at least one of search, browse and access a computerized central communications facility for information of interest (see abstract).

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enable said customer to at least one of search, browse and access for information of interest, transmit said information of interest from said computerized central communications facility to said computerized remote communications facility (see abstract).

wherein at least one of said computerized central communication s facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services (see abstract and entire document).

AT&T does not explicitly disclose information of interest stored in a database at said computerized central communications facility.

However, Dworkin discloses information of interest stored in a database at said computerized central communications facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 31, AT&T does not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction

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between said computerized central communications facility and said computerized remote communications facility.

However, Dworkin discloses a computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility (col. 2, lines 33-41 and col. 8, lines 9-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility as taught by Dworkin within Dworkin for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 32, AT&T does not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings.

However, Dworkin discloses wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings (col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

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the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings as taught by Dworkin within AT&T for the motivation of alerting the customer of any new products offered (col. 9, lines 36-47).

As to claim 33, AT&T discloses the apparatus of claim 30, wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods and services (i.e. directory of directories ... internet providers to list information about their service)(see abstract).

As to claim 36, AT&T does not explicitly disclose the apparatus of claim 35, wherein said apparatus further comprises means for recording a presentation stopping point for future reference .

However, the Examiner takes official notice that it was old and well known in the computer sales presentation arts to provide a stopping point in a user's presentation (i.e. saving a file which represents a potential transaction). This allowed a user to resume a transaction at a later date without having to resubmit previously entered information. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording a stopping point in the customer's last on-line presentation in case contact is resumed within

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AT&T and Dworkin for the motivation of allowing a customer to resume a transaction at a later date without having to resubmit previously entered information.

As to claim 39, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer (see entire document).

As to claim 40, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable the customer to communicate with said central communications facility (see entire document).

As to claim 41, AT&T does not explicitly disclose the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services.

However Dworkin discloses processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said

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software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services (Fig. 1, and col. 2, lines 20-41). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 42, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to provide an interactive presentation relating to goods and services (see entire document).

As to claim 43, AT&T does not explicitly disclose the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice.

However, the Examiner takes official notice that it well known in the electronic sales presentation arts to have an interactive presentation includes an audio presentation in the form of a computerized voice. The purpose of computerized voice was to have a customer friendly sales presentation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice within AT&T and Dworkin for the motivation stated above.

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As to claim 44, AT&T discloses an apparatus for marketing at least one of goods and services (see abstract):

a first central communications facility having information relating to goods or services to provide customer at a computerized remote facility upon request, said first central communications facility adapted to direct said customer to a second central communication facility having information relating a second set of information relating to goods and services to provide upon request (i.e. internet directory of directories)(see abstract);

a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility (see abstract).

AT&T does not explicitly disclose

providing a database of information relating to goods and services.

However, Dworkin discloses providing access to a database of information relating to goods and services (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20).. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 45, the claim is substantially similar to claim 31 and is rejected on the same basis.

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As to claim 47, AT&T disclose the apparatus of claim 44, wherein said central communications facility or at least one of the other central communications facilities further provides a directory of providers of goods and services (see abstract).

As to claim 49, the claim is substantially similar to claim 43 and is rejected on the same basis.

As to claim 51, the claim is substantially similar to claim 36 and is rejected on the same basis.

As to claim 54, AT&T does not explicitly disclose the apparatus of claim 44, further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location.

However, Dworkin discloses further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location (col. 8, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

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As to claim 57, the claim is similar in scope to claim 39 and is rejected on the same basis.

As to claim 58, the claim is similar in scope to claim 40 and is rejected on the same basis.

As to claim 59, the claim is substantially similar to claims 30 and 44 and is rejected on the same basis.

As to claim 60, AT&T discloses the method of claim 59, further comprising establishing communication with a third database containing information relating to goods and services (see Fig. 1) as explained previously in claim 44.

As to claims 61-64, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

As to claim 67, the claim is similar in scope to claim 42 and is rejected on the same basis.

As to claim 79, AT&T does not explicitly disclose

the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service.

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However, Dworkin discloses the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 80, AT&T does not explicitly disclose wherein the apparatus of claim 44 wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service.

However, Dworkin discloses a communications facility further enables said customer to browse a set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

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As to claim 81, AT&T does not explicitly disclose the method of claim 59, further comprising enabling the remote facility to search said first database or said second database.

However, Dworkin discloses further comprising enabling the remote facility to search said first database or said second database (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include enabling the remote facility to search said first database or said second database as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claims 82-85, the claims are similar in scope to claims 30-33 and 78-81 and are rejected on the same basis.

Claims 87-90 are similar in scope to claims 30-33, 38-45, 59, 70, and 82 and are rejected on the same basis.

Claims 92 and 100 are similar in scope to claim 32 and are rejected on the same basis.

4. Claims 50, 72, 77, 78, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 70 and 82 above, and further in view of McCalley et al., Pat. No. 5,191,410 (hereinafter McCalley).

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As to claims 50, 72, 77, 78 and 86, AT&T and Dworkin do not explicitly disclose wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request.

However, McCalley discloses wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

5. Claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 59, 82, 87 above, and further in view of Filepp et al., Pat. No. 5,347,632.

As to claim 34, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility.

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However, Filepp discloses wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility (col. 8, lines 40-61, col. 83, lines 22-38 and col. 94, lines 26-50). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 35, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation

However, Filepp discloses wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation (col. 18, lines 40-55, col. 59, lines 53-62, col. 65, lines 50-64, col. 83, lines 3-11, col. 90, line 60 - col. 91, line 13). It would have been obvious to one of ordinary skill in the art at the time of

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Applicant's invention to include wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 38, AT&T and Dworkin do not explicitly disclose the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer (col. 2, lines 46-50 and col. 93, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile as disclosed by Filepp within AT&T in order to target advertisements or product offers (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

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As to claim 48, the claim is substantially similar to claim 35 and is rejected on the same basis.

As to claim 52, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include financial services.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include financial services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 53, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include auctioning services.

However, Filepp discloses wherein said goods and services include auctioning services (i.e. stocks and bonds)(col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include auctioning services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

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As to claim 68, the claim is similar in scope to claim 35 and is rejected on the same basis.

As to claim 69, the claim is similar in scope to claim 36 and is rejected on the same basis.

As to claim 94, AT&T and Dworkin do not explicitly disclose apparatus of claim 82 wherein at least one of the computerized central communications facility is configured to verify the identity of said customer.

However, Dworkin discloses the computerized central communications facility is configured to verify the identity of said customer (i.e. logon)(col. 8, lines 40-61). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of the computerized central communications facility is configured to verify the identity of said customer as disclosed by Filepp within AT&T and Dworkin to provide services to users based on user demographics (col. 2, lines 40-45)

As to claims 95 and 103, AT&T and Dworkin do not explicitly disclose providing information regarding the sale or financing of housing.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include providing information regarding the sale or financing of housing

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as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 107, the claim is similar in scope to claim 53 and is rejected on the same basis.

6. Claims 91, 99, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82 and 87 above, and further in view of Anonymous, "Prodigy Services add Offerings"(hereinafter Offerings).

As to claims 91 and 99, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities is configured to initiate contact with said customer.

However, Offerings discloses at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. electronic reminders)(page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities is configured to initiate contact with said customer as disclosed by Offerings within AT&T and Dworkin for the motivation of offering special interest offerings to customers (see page 1).

As to claim 100, the claim is similar in scope to claim 32 and is rejected on the same basis.

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7. Claims 70-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T in view of Dworkin and McCalley.

As to claim 70, AT&T discloses an apparatus for marketing goods and services (see abstract), comprising:

a central communications facility to provide information relating to goods and services to a customer at a computerized remote facility, said central communications facility adapted to direct said customer to at least one other central communications facility providing information to goods or services (see abstract);

a second communication device at said central communications facility associated with a second communication path for providing a second communication between said central communications facility and said computerized remote facility (see abstract)

AT&T does not explicitly disclose

a database of information relating to goods and services accessible by said customer at said remote facility.

However, Dworkin discloses a database of information relating to goods and services accessible by said customer at said remote facility(i.e. modem)(see Fig. 1 a database of information relating to goods and services accessible by said customer at said remote facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20).It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught

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by Dworkin within AT&T in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

AT&T and Dworkin do not explicitly disclose

a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility.

However, McCalley discloses a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

As to claim 71, the claim is similar in scope to claim 47 and is rejected on the same basis.

As to claims 73-76, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

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8. Claims 93, 96-98, 101, 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82, 87 above, and further in view of Examiner's use of Official Notice.

As to claims 93, 101, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide employee recruiting information.

However, the Examiner takes official notice that it was well known in the electronic arts to provide employee recruiting information. The purpose of electronically providing recruiting information was to take advantage of a large audience of customers that are more likely to meet recruiting requirements. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to provide employee recruiting information within AT&T and Dworkin for the motivation stated above.

As to claims 96, 97, 104, 105, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide coupons.

However, the Examiner takes official notice that it was well known in the electronic arts to provide coupons for goods or services. The motivation was to provide customers with an incentive to purchase goods and services offered by a provider. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said

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computerized central communications facilities configured to provide coupons within AT&T and Dworkin for the motivation stated above.

As to claims 98, 106, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services.

However, the Examiner takes official notice that it was well known in the electronic arts to charge customers a fee for information. The motivation was to insure vendors are reimbursed for provided services. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services within AT&T and Dworkin for the motivation stated above.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 30-36, 38-45, 47-54, 57-64, and 67-107 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,055,514 in view of AT&T and Dworkin.

As to claim 30, the '514 patent discloses an apparatus to market and sell goods and/or services over an electronic network (see claim 2) comprising:

a computerized central communications facility having information relating to goods and/or services stored in a database, said computerized communications facility having a processor programmed to (see claim 1):

receive from a customer located at a computerized remote facility a request to search in the database at the computerized central communications facility for information of interest (claim 1);

provide said customer with live assistance upon request (claim 2);

enable said customer to search said database for information of interest, direct a transmitter at said computerized central communications facility to transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility (claim 1); and

The '514 patent does not explicitly disclose

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a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network.

However, AT&T discloses a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network (i.e. directory of directories)(see abstract).

The '514 patent does not explicitly disclose

periodically update said database in said computerized central communications facility.

However, Dworkin discloses periodically update said database in said computerized central communications facility (i.e. new product information)(col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within the '514 patent in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

Remarks

11. Applicant's arguments with respect to claims 30-45, 47-54, 57-64, and 67-90 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The

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examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 872-9306. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Patent Examiner

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November 2, 2003